

Docket No. 243103US2SRD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN REPLY APPLICATION OF: Tomokazu MORITA, et al.

SERIAL NUMBER: 10/667,863

ATTN: APPLICATION BRANCH

FILING DATE: September 23, 2003

FOR: NEGATIVE ELECTRODE ACTIVE MATERIAL FOR NONAQUEOUS ELECTROLYTE
SECONDARY BATTERY AND NONAQUEOUS ELECTROLYTE SECONDARY BATTERY

FILING OF DECLARATION UNDER 37 CFR 1.53(f)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

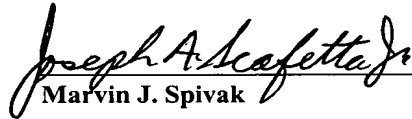
Responsive to the notification dated December 16, 2003, and in accordance with the provisions of 37 CFR 1.53(f),
Applicants submit herewith a Rule 63 Declaration.

The required fee was paid at the time of filing the application.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable
action is earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Marvin J. Spivak

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Joseph A. Scafetta, Jr.

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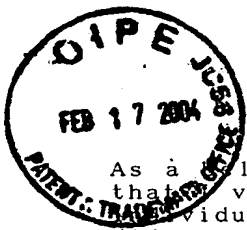
22850

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(OSMMN 05/03)

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DECLARATION FOR PATENT APPLICATION

03S0184

As a low named inventor, I declare:
that I verily believe myself to be the original, first and sole (if only one
individual inventor is listed below) or an original, first and joint inventor
(if more than one individual inventor is listed below) of the invention in

**NEGATIVE ELECTRODE ACTIVE MATERIAL FOR NONAQUEOUS ELECTROLYTE SECONDARY
BATTERY AND NONAQUEOUS ELECTROLYTE SECONDARY BATTERY**

the specification of which is attached hereto unless the following box is
checked.

☒ was filed on September 23, 2003 as United States Application
or PCT International Application No. 10/667,863, and
was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above
identified specification, including the claims, as amended by any amendment
referred to above.

I acknowledge the duty to disclose information of which is material to pat-
entability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365
(b) of any foreign application(s) for patent or inventor's certificate, or
35 U.S.C. 365(a) of any PCT International application which designated at
least one country other than the United States, listed below and have also
identified below any foreign application for patent or inventor's certifi-
cate, or PCT International application having a filing date before that of the
application on which priority is claimed:

<u>Country</u>	<u>Category</u>	<u>Application No.</u>	<u>Filing Date</u>	<u>Priority Claim</u>
Japan	Patent	2002-280303	September 26, 2002	Yes

I hereby appoint the registrants of Oblon, Spivak, McClelland,
Maier & Neustadt, P.C., 1940 Duke Street, Alexandria, Virginia 22314,
Customer No. 22850, or any one of them. Send correspondence to Oblon,
Spivak, McClelland, Maier & Neustadt, P.C., 1940 Duke Street,
Alexandria, Virginia 22314, Telephone No. (703)413-3000.

I declare further that all statements made herein of my own knowledge are
true and that all statements made on information and belief are believed to
be true; and further that these statements were made with the knowledge that
willful false statements and the like so made are punishable by fine or im-
prisonment, or both, under Section 1001 of Title 18 of the United States
Code and that such willful false statements may jeopardize the validity of
the application or any patent issued thereon.

DECLARATION FOR PATENT APPLICATION

I declare further that my mailing address is at c/o
Intellectual Property Division, Toshiba Corporation, 1-1, Shibaura
1-chome, Minato-ku, Tokyo 105-8001, Japan; and
that my citizenship and residence are as stated below next to my name:

Inventor: (Signature)DateResidenceDate: OCT. 15. 2003Tomokazu MoritaCitizen of: JapanFunabashi-shi, Japan

Tomokazu Morita

Date: OCT. 15. 2003Norio TakamiCitizen of: JapanYokohama-shi, Japan

Norio Takami

Date:Citizen of: JapanDate:Citizen of: JapanDate:Citizen of: JapanDate:Citizen of: JapanDate:Citizen of: JapanDate:Citizen of: Japan